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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,265	12/29/2000	Dushyant Sharma	6583	8959
22922 7590 12/08/2009 REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA KASULKE, DOCKET COORDINATOR 1000 NORTH WATER STREET SUITE 2100 MILWAUKEE, WI 53202				
EXAMINER AKINTOLA, OLABODE				
ART UNIT 3691		PAPER NUMBER		
NOTIFICATION DATE 12/08/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPAdmin@reinhartlaw.com

Office Action Summary

Application No.

09/751,265

Applicant(s)

SHARMA, DUSHYANT

Examiner

OLABODE AKINTOLA

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haseltine et al (US 6578015) ("Haseltine") in view of Hutchison et al (USPAP 20050192896).

Re claim 1: Haseltine teaches an electronic bill presentment and payment system, comprising: a database capable of storing data relating to a plurality of bills sourced from a plurality of billers, and corresponding to a plurality of consumers (col. 3, lines 1-18; col. 4, lines 53-61); a bill data processor coupled to said database, said bill data processor configured to convert data received from said plurality of billers into a format compatible with said database (abstract; col. 3, lines 1-18; col. 11, lines 34-39); a bill report processor coupled to said database, said bill report

processor configured to allow at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database (col. 12, lines 22-26; col. 6, lines 11-24; col. 7, line 15 through col. 8, line 64, figs. 4 ("*status table*") and 5); a bill security element which prohibits access to said database by any entity not having encrypted access to said database (col. 4, lines 57-67; col. 6, lines 7-10; col. 13, lines 15-22); and a portal interface element configured as a secure personalized portfolio and paying electronic bills coupled to said database, said portal interface element configured to access a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being associated with a web portal or bill presentment and payment website different from other of said visual interfaces, each of said visual interfaces configured to allow a consumer to review and pay said consumer's bills and thereby change information in said database with the secure personalized portfolio only if said consumer has been authorized to access said database by a verifier (col. 9, lines 52-60; col. 10 lines 44-65; col. 11, lines 31-47).

Haseltine does not explicitly teach the features of allowing billers to review and obtain reports after authentication of the merchant identification number as recited in the claim; and authorization to access said database provided by a credit verifier. However, Haseltine teaches that billers log onto the system 400 (col. 6, line 24-25).

Hutchison teaches a closed system comprising registered merchants and consumers in which parties are identified and authenticated to ensure security (abstract, paragraphs 0013, 0048 "*merchant authenticator component*"); and authorizing access to said database by a credit verifier (paragraph 0094). It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify Haseltine to include this step as taught by Hutchison. One would have been motivated to do so to prevent unauthorized access to said database and for account creation purposes respectively.

Re claim 2: Haseltine teaches a bill payment processor configured to communicate with a plurality of financial institutions in order to couple said financial institutions to said database in order to facilitate payment of bills (col. 11, lines 31-53).

Re claim 3: Haseltine teaches a bill payment processor configured to communicate with a plurality of payment facilitators in order to couple said payment facilitators to said database in order to facilitate payment of bills (col. 11, lines 47-53).

Re claim 4: Haseltine does not explicitly teach wherein said bill security element uses a third party credit verifier as said credit verifier. Hutchison teaches this feature at paragraph 0094. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haseltine to include this step as taught by Hutchison. One would have been motivated to do so for account creation purposes.

Re claim 5: Haseltine teaches wherein said portal interface element is adapted to employ HTML transmissions (col. 5, lines 15-16).

Re claim 6: Haseltine teaches wherein said portal interface element uses XML transmissions (col. 5, lines 28-30).

Re claim 7: Haseltine further teaches wherein each said consumer is authorized access to said database by a verifier during a particular consumer session on said visual interface only after an interactive session between said electronic bill presentment and payment system and said verifier which occurs during said consumer session (col.11, lines 31-46; col. 5, lines 37-49; col. 4, lines 57-67, col. 6, lines 7-10).

Haseltine does not explicitly teach a credit verifier. Hutchison teaches this feature at paragraph 0094. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haseltine to include this step as taught by Hutchison. One would have been motivated to do so for account creation purposes.

Re claim 8: Haseltine teaches an electronic bill presentment and payment system, comprising: a database capable of storing data relating to a plurality of bills sourced from a plurality of billers, and corresponding to a plurality of consumers (col. 3, lines 1-18; col. 4, lines 53-61); a bill data processor coupled to said database, said bill data processor configured to convert data received from said plurality of billers into a format compatible with said database (abstract; col. 3, lines 1-18; col. 11, lines 34-39); a bill report processor coupled to said database, said bill report processor configured to at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said

database (col. 12, lines 22-26; col. 6, lines 11-24; col. 7, line 15 through col. 8, line 64, figs. 4 (“*status table*”) and 5); a bill security element which prohibits access to said database by any entity not having encrypted access to said database (col. 4, lines 57-67; col. 6, lines 7-10; col. 13, lines 15-22); and a portal interface element coupled to said database, said portal interface element being capable of supporting a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being supported by a web portal or bill presentment and payment website different from other of said visual interfaces, wherein said portal interface element is adapted to prompt said consumer, via said visual interface, for logon information and to receive from the consumer, via said visual interface, logon information which is used to initiate an interactive session via said bill security element with a verifier to obtain authorization for said database, whereupon if authorization from said verifier is received from said verifier, said portal interface element is adapted to allow said consumer to access information in said database in order to pay bills (col. 9, lines 52-60; col. 10 lines 44-65; col. 11, lines 31-47, col.5, lines 13-15, col.6, lines 9-13).

Haseltine does not explicitly teach the features of allowing billers to review and obtain reports after authentication of the merchant identification number as recited in the claim; and authorization to access said database provided by a credit verifier. However, Haseltine teaches that billers log onto the system 400 (col. 6, line 24-25).

Hutchison teaches a closed system comprising registered merchants and consumers in which parties are identified and authenticated to ensure security (abstract, paragraphs 0013, 0048 “*merchant authenticator component*”); and authorizing access to said database by a credit verifier (paragraph 0094). It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify Haseltine to include this step as taught by Hutchison. One would have been motivated to do so to prevent unauthorized access to said database and for account creation purposes respectively.

Re claim 9: Haseltine teaches wherein said consumer may use any one of a plurality of different ones of said visual interfaces to receive and pay bills (col. 11, lines 31-47).

Re claim 10: Haseltine teaches wherein said portal interface element is adapted to allow said consumer to use said visual interface on its associated website to review and pay a plurality of bills from a plurality of billers (col. 11, lines 31-47).

Re claim 11: Haseltine teaches wherein said customer uses bill report processor with one of said visual interfaces on a website to inquire online about the status of at least one bill, said inquiry being conveyed by said system to the particular biller (col. 6, lines 11-24).

Re claim 12: Haseltine teaches wherein said bill data processor establishes an interactive session between said consumer and the particular biller (col. 6, lines 22-29).

Re claim 13: Haseltine teaches wherein said bill payment processor is configured for said consumer to pay bills using a credit card (col. 9, lines 29-30).

Re claim 14: Haseltine teaches wherein said bill report processor is configured for said consumer to receive reports from said system (col. 3, lines 39-44).

Re claim 15: Haseltine teaches wherein said bill report processor configured for said system to automatically notify a biller when a consumer has paid a bill (col. 3, lines 46-52; col. 12, lines 37-40).

Re claim 16: Haseltine teaches wherein said bill data processor is adapted to allow a biller to modify, online, the format in which a bill is presented to said consumer on said visual interface (col. 8, lines 54-57col. 9, lines 35-44).

Re claim 18: Haseltine teaches wherein said bill report processor configured for said consumer to select for review bills coming due on a certain date (col. 16, lines 23-27).

Re claim 19: Haseltine teaches wherein said bill report processor configured for said consumer to select for review bills overdue (col. 7, lines 55-58; col. 8, lines 8-18).

Re claim 20: Haseltine teaches wherein said portal interface element configured for said consumer to pay bills from a plurality of different visual interfaces, each on a different site (col. 2, lines 38-43; col.10, lines 44-65).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haseltine in view of Hutchison and further in view of Kamen et al (US 6421067) ("Kamen").

Re claim 17: Haseltine does not explicitly teach wherein said portal interface element is configured for said consumer to modify, online, the format in which a bill is presented to said consumer on said visual interface. Kamen teaches wherein said portal interface element is configured for said consumer to modify, online, the format in which information is presented to said consumer on a visual interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haseltine to include this step as taught by Kamen. One would have been motivated to do so in order to allow the user adjust the font size according to user's visually capability and/or discretion.

Response to Arguments

Applicant's arguments filed August 12, 2009 have been fully considered but they are not persuasive.

Applicant argues that Haseltine fails to teach "a portal interface element configured as a secure personalized portfolio for reviewing and paying bills..." as recited in the claims. Examiner respectfully disagrees. Haseltine's portal interface is secured by way of customer authentication to review and make bill payment (col. 9, lines 52-67, col. 10, lines 59-65, col. 11, lines 41-46). Also, the portal interface is configured as a personalized (bill) portfolio by way of accessing bills meant for particular customer. Therefore, the portal interface (website) that a customer logs into is considered as a secured personalized bill portfolio related to a specific

customer. Each customer can view his/her own bills in a Summary data format and/or detail data format (col.5, lines 13-15, col.6, lines 9-13).

In response to applicant's argument that the EBPP system recited in claims 1 and 8 would not have been obvious in view of the combination of Haseltine and Hutchison, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) US Publication 2002/0002513 A1 to Chiasson. (see at least abstract and paragraphs 0046, 0104-0109). Chiasson discloses "an electronic bill presentment and payment system".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/
Examiner, Art Unit 3691